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June 3, 2011

By e-filing

Ms. Cynthia T. Brown, Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20024

ENTERED  
Office of Proceedings

JUN 3 - 2011

Part of  
Public Record

Re: Finance Docket No. 35509, *Cordele Intermodal Services Railroad, Inc. -- Acquisition and Operation Exemption -- Rail Line at East Industrial Park, Cordele, GA*

Dear Ms. Brown:

Please refer to the decision of the Board in the above proceeding served on June 2, 2011.

Leave is hereby sought to withdraw the Notice of Exemption by Cordele Intermodal Services Railroad, Inc. (CISR) with prejudice for the reasons explained below.

Counsel for the applicant, CISR, incorrectly stated in the Notice of Exemption that the 1,500-track at East Industrial Park in Cordele, GA had been constructed at the time of filing of the Notice of Exemption. As of the filing of this request for withdrawal of the Notice of Exemption, that track has not been constructed. The truth of that statement is being sworn to at the conclusion of this communication.

In view of the Board's decision served June 2, 2011, the 1,500-foot track will not be constructed by CISR. CISR's corporate existence will be dissolved. The track into the Industrial Park will be constructed by Heart of Georgia Railroad, Inc. (HOG), an existing Class III rail carrier subject to the jurisdiction of the Board, as an industry track to provide service to Cordele Intermodal Services, Inc. (CIS), a shipper. In accordance with long-time custom and practice in the railroad industry, HOG will own and maintain the segment of that track that will be located on property owned by HOG, and CIS will own and maintain the segment of that track that will be located on property owned by CIS. CIS will unload containers on the private track within its property. The traffic will remain in HOG's account as delivering rail carrier. CIS will pay HOG for transportation of the containers. HOG will distribute a portion of that payment to its connecting rail carrier.

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It is well settled that construction and operation of an industry track as identified above does not require Board approval.

Counsel for CISR apologizes to the Board for providing incorrect information about the status of construction of the involved track.

The Board is respectfully requested to issue a decision granting leave to CISR to withdraw the Notice of Exemption filed on May 16, 2011 with prejudice.

Very truly yours,

*Tom McFarland*

Thomas F. McFarland  
*Attorney for Cordele Intermodal  
Services Railroad, Inc.*

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cc: Messrs. J. Lafevers, by e-mail to [jlafevers@cordeleintermodal.com](mailto:jlafevers@cordeleintermodal.com)  
B. Lafevers, by e-mail to [blafevers@awtransport.com](mailto:blafevers@awtransport.com)

SUBSCRIBED and SWORN to  
before me this 3rd day of  
June, 2011.

*Kathleen Lenihan*  
Notary Public

*Thomas F. McFarland*  
Thomas F. McFarland

